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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,928	11/19/2003	James VanCleave	72793/00015	6424
23380	7590	09/19/2008		
TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			EXAMINER SENFL BEHROOZ M	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 09/19/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/716,928

Applicant(s)

VANCLEAVE ET AL.

Examiner

BEHROOZ SENFI

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 39-41 and 43-44 are objected as being of improper dependent form: It is noted that claims 39, 40 are dependent to canceled claim 1: Claim 41 is dependent to canceled claim 2: Claim 43 is dependent to canceled claim 5: Claim 44 is dependent to canceled claim 6. Appropriate correction is required.

Note that claims 1-37 have been canceled, and claims 38-44 are newly added.

For the purpose of art rejection examiner consider claims 39-41 and 43-44 as being dependent on newly presented claim 38.

Response to Amendment

2. Applicant's arguments with respect to claims 1-37, filed 6/16/2008 have been considered but are moot in view of the new ground(s) of rejection. Since claims 1-37 have been canceled, and new claims 38-44 are presented.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 38 and 41 - 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Enright et al. (US 7,389,914).

Regarding claim 38, Enright discloses, a fraud identification and recovery system (i.e., figs. 1-2, automatic banking machine 10 and transaction record system as shown in fig. 2, consider as fraud identification and recovery system) comprising; a user

interface (i.e., the ATM 12 in fig. 1 consider as user interface) including a generally planar video display panel having a viewing area on one side thereof (i.e., figs. 1 and 10, the ATM 12 or 146 includes planar video display panel, screen display of the ATM, col. 26, lines 12-13) and at least one data input device (i.e., fig. 1, data input device 16, col. 10, lines 52-55), a digital camera having a lens defining a field of vision relative thereto (i.e., fig. 1, digital camera 24 has a lens to define a field of view, col. 11, lines 6-14 and lines 39-41), means adapted for securing the digital camera proximate to the display panel on a side opposite the viewing area such that the field of vision thereof is directed to the viewing area (i.e., fig. 1, shows the schematic adapted for positioning/securing the camera 24 proximate to the display panel of the ATM 10 to have a field of vision directed to the viewing area, col. 11, lines 6-13 and 39-41), means adapted for obscuring the digital camera from perception from within the viewing area (i.e., fig. 1, camera 24, col. 11, lines 6-10, indicating camera 24 is positioned behind, e.g., obscure, the fascia of the ATM), sensing means adapted for sensing data input on the data input device (i.e., fig. 1, the touch screen inputs adapted for sensing data input on the input device 16, col. 10, lines 53-55), means adapted for receiving digital visual content from a first storage area of an associated data storage (i.e., in another embodiment, fig. 10, ATM 146 includes the image server 166 adapted for receiving image data, e.g., visual content, from the associated data storage 168 which communicates with servers 154 and 152 with associated storage), display generation means adapted for generating a display corresponding to received digital content on the display panel in accordance with an output of the sensing means (i.e., fig. 1, display of

the ATM is adapted for generating a display corresponding to received digital content in accordance with an output of the function keys or touch screen inputs and also card reader, e.g., consider as sensing means, col. 10, lines 53-55, col. 26, lines 12-13), means adapted for enabling the digital camera after activation of the display generation means (i.e., figs. 1 and 6, illustrates the digital camera 24 which is adapted to capture images after activation of the display generation, col. 4, lines 22-25 and 30-38 and col. 19, lines 13-25 and col. 20, lines 15-28), means adapted for acquiring digital image from the viewing area via the digital camera upon activation thereof (i.e., figs. 1, 10-12 and 28 illustrates different embodiment of digital camera set up adapted for acquiring digital image from the viewing area upon activation), and means adapted for storing an acquired digital image (i.e., col. 1, lines 21-29, col. 4, lines 14-17 and lines 65-col. 5, lines 10 discloses means adapted for storing acquired digital images).

Regarding claim 41, Enright discloses, wherein each camera is positioned at a unique angle relative to the viewing area (i.e., as shown in fig. 1, cameras 24, 26, 28 and 30 are positioned at a unique angle relative to their viewing area).

Regarding claim 42, A method of fraud identification and recovery (i.e., figs. 1-2, automatic banking machine 10 and transaction record as shown in fig. 2, consider as fraud identification and recovery method) comprising the steps of: securing a digital camera proximate to a display panel on a first side an associated viewing area of a device user interface such that a device user's field of vision is directed to a viewing area on an opposite side of the display panel (i.e., fig. 1, shows the schematic for positioning/securing the camera 24 proximate to a display panel of the ATM 10 on a first

side an associated viewing area of a device user interface, please see fig. 1, such that a device user's field of vision is directed to a viewing area on an opposite side of the display panel, see fig. 1, the field of vision of camera 24 is directed to a viewing area opposite side of the display panel, col. 11, lines 6-13 and 39-41), obscuring a digital camera from perception from within the viewing area (i.e., fig. 1, camera 24, col. 11, lines 6-10, indicating camera 24 is positioned behind, e.g., obscure, the fascia of the ATM), directing the digital camera to the first side of the viewing area (i.e., fig. 1, the digital camera 24 is directed to the first side of the viewing area, which is the area opposite side of the display panel), sensing data input on a data input device associated with the device user interface (i.e., fig. 1, the touch screen inputs for sensing data input on the input device 16, col. 10, lines 53-55), receiving digital visual content from a first storage area of an associated data storage (i.e., in another embodiment, fig. 10, ATM 146 includes the image server 166 for receiving image data, e.g., visual content, from the associated data storage 168 which communicates with servers 154 and 152 with associated storage), generating a display corresponding to received digital content on the display panel in accordance with an output of the sensing means (i.e., fig. 1, display of the ATM for generating a display corresponding to received digital content in accordance with an output of the function keys or touch screen inputs and also card reader, e.g., consider as sensing means, col. 10, lines 53-55, col. 26, lines 12-13), enabling the digital camera after activation of the display generation means (i.e., figs. 1 and 6, illustrates the digital camera 24 used to capture images after activation of the display generation, col. 4, lines 22-25 and 30-38 and col. 19, lines 13-25 and col. 20,

lines 15-28), acquiring digital image from the viewing area via the digital camera upon activation thereof (i.e., figs. 1, 10-12 and 28 illustrates different embodiment of digital camera set up for acquiring digital image from the viewing area upon activation), and storing an acquired digital image (i.e., col. 1, lines 21-29, col. 4, lines 14-17 and lines 65-col. 5, lines 10 discloses storing acquired digital images).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright (US 7,389,914) in view of Egami et al. (US 2004/0164141).

Regarding claim 39, Enright discloses the system of claim 1 further comprising; at least one additional digital camera having a lens defining a corresponding field of vision relative thereto (i.e., as shown in fig. 1, the additional camera 26 to include a field of view/vision of the user operating the ATM machine), means adapted for storing an acquired digital image from each additional digital camera (i.e., col. 1, lines 21-29, col. 4, lines 14-17 and lines 65-col. 5, lines 10 discloses means adapted for storing acquired digital images).

Although Enright discloses, securing plurality of digital cameras having field of view for capturing images in response to triggering event (i.e., fig. 1, cameras 24 and 26, col. 4, lines 34-38). Enright is silent in regards to explicit of; means adapted for

securing each additional digital camera proximate to the display panel on a side opposite the viewing area such that each camera has a field of vision thereof that is directed to a unique relative viewing area; means adapted for obscuring each additional digital camera from perception from within the viewing area; means adapted for enabling each additional digital camera after activation of the display generation means; means adapted for acquiring digital image from the viewing area via each additional digital camera upon activation thereof.

However, Egami (i.e., fig. 3b, cameras 6 and 8, camera 8 is consider as additional digital camera, page 3, paragraphs 0039 and 0046) teaches means adapted for securing additional camera proximate to the display panel on a side opposite the viewing area (i.e., fig. 3B, securing camera 8) such that each camera, i.e., camera 8, has a field of vision thereof that is directed to a unique relative viewing area (i.e., fig. 5B, video captured from customer 7 by the camera 8, page 3, paragraph 0046) and means adapted for obscuring each additional digital camera from perception from within the viewing area (i.e., fig. 3B, page 3, paragraph 0039, indicating camera 8 is hidden by the shutter and not visible from the outside) and means adapted for enabling each additional digital camera after activation of the display generation means (i.e., figs. 3B and 5B, cameras adapted for activating to capture image when the shutter is opened or when the sensors detect the insertion of customer hand, page 1, paragraphs 0007-0008, page 3, paragraph 0046) and means adapted for acquiring digital image from the viewing area via each additional digital camera upon activation thereof (i.e., figs. 3B and 5B, cameras 6 and 8 are adapted for acquiring digital image from the viewing area

when the shutter opened or sensors detect the insertion of a hand, e.g., activate the cameras, page 1, paragraphs 0007-0008, page 3, paragraph 0046).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the image capturing system of Enright in accordance with the teaching of Egami by incorporating nonvisible additional security camera proximate to the display panel to capture images of the state of motion of the hands of the customers, as suggested by Egami (i.e., page 1, paragraph 0004, 5-6).

Regarding claim 43, Enright discloses at least one additional digital camera having a lens defining a corresponding field of vision relative thereto (i.e., as shown in fig. 1, the additional camera 26 to include a field of view/vision of the user operating the ATM machine), and storing an acquired digital image from each additional digital camera (i.e., col. 1, lines 21-29, col. 4, lines 14-17 and lines 65-col. 5, lines 10 discloses means adapted for storing acquired digital images).

Although Enright discloses, securing plurality of digital cameras having field of view for capturing images in response to triggering event (i.e., fig. 1, cameras 24 and 26, col. 4, lines 34-38). Enright is silent in regards to explicit of, securing at least one additional digital camera proximate to the display panel on a side opposite the viewing area such that each camera has a field of vision thereof that is directed to a unique relative viewing area; obscuring each additional digital camera, obscuring each additional digital camera from perception from within the viewing area; enabling each additional digital camera after activation of the display generation means; acquiring

digital image from the viewing area via each additional digital camera upon activation thereof.

However, Egami (i.e., fig. 3b, cameras 6 and 8, camera 8 is consider as additional digital camera, page 3, paragraphs 0039 and 0046) teaches additional camera proximate to the display panel on a side opposite the viewing area, i.e., fig. 3B, camera 8, such that each camera has a field of vision thereof that is directed to a unique relative viewing area (i.e., fig. 5B, video captured from customer 7 by the camera 8, page 3, paragraph 0046) and means adapted for obscuring each additional digital camera from perception from within the viewing area (i.e., fig. 3B, page 3, paragraph 0039, indicating camera 8 is hidden by the shutter and not visible from the outside) and means adapted for enabling each additional digital camera after activation of the display generation means (i.e., figs. 3B and 5B, cameras adapted for activating to capture image when the shutter is opened or when the sensors detect the insertion of customer hand, page 1, paragraphs 0007-0008, page 3, paragraph 0046) and acquiring digital image from the viewing area via each additional digital camera upon activation thereof (i.e., figs. 3B and 5B, cameras 6 and 8 are adapted for acquiring digital image from the viewing area when the shutter opened or sensors detect the insertion of a hand, e.g., activate the cameras, page 1, paragraphs 0007-0008, page 3, paragraph 0046).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the image capturing system of Enright in accordance with the teaching of Egami by incorporating nonvisible additional security camera proximate to the display panel to capture images of the state of motion

of the hands of the customers, as suggested by Egami (i.e., page 1, paragraph 0004, 5-6).

6. Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright (US 7,389,914) in view of Patterson et al.(US 5,915,246).

Regarding claim 40, Enright discloses the system of claim 1 further comprising; means adapted for receiving user identification data via the data input device (i.e., fig. 1, card reader 14 and keypad/function keys 16 or touch screen input, is adapted for receiving user identification data, e.g., password, col. 10, lines 48-55 and cols. 23-24, lines 58-14).

Although Enright discloses, teller machine as shown in fig. 1, element 12, including the card reader and the keypad 16 or touch screen inputs that can be used to input data into machine (please see, col. 10, lines 50-55). Enright is silent in regards to details of selecting digital visual content in accordance with received user identification data.

Examiner indicates that the touch screen input can be considered as digital selection device for selecting the desired transaction. Further,

Patterson (i.e., fig. 2, col. 2, lines 10-13 and 48-59) teaches the details adapted for selecting required transaction from the ATM display, e.g., selecting digital content, in accordance with received user identification data.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Enright touch screen inputs in accordance with the simplest implementation of Patterson by incorporating Patterson's

display with the means adapted for selecting the desired transaction, and to provide a presentation or short message while the ATM is counting cash or processing the desired transaction, as suggested by Patterson (i.e., col. 1, lines 18-20 and col. 2, lines 57-59).

Regarding claim 44, Enright discloses the system of claim 1 further comprising the step of; receiving user identification data via the data input device (i.e., fig. 1, card reader 14 and keypad/function keys 16 or touch screen input, is adapted for receiving user identification data, e.g., password, col. 10, lines 48-55 and cols. 23-24, lines 58-14).

Although Enright discloses, teller machine as shown in fig. 1, element 12, including the card reader and the keypad 16 or touch screen inputs that can be used to input data into machine (please see, col. 10, lines 50-55). Enright is silent in regards to details of selecting digital visual content in accordance with received user identification data.

Examiner indicates that the touch screen input can be considered as digital selection device for selecting the desired transaction. Further,

Patterson (i.e., fig. 2, col. 2, lines 10-13 and 48-59) teaches details of selecting required transaction from the ATM display, e.g., selecting digital visual content, in accordance with received user identification data.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Enright touch screen inputs in accordance with the simplest implementation of Patterson by incorporating Patterson's

display with the means adapted for selecting the desired transaction, and to provide a presentation or short message while the ATM is counting cash or processing the desired transaction, as suggested by Patterson (i.e., col. 1, lines 18-20 and col. 2, lines 57-59).

Contact

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Behrooz Senfi/
Primary Examiner
Art Unit 2621

